

Applicants: Graham P. Allaway, et al.
Serial No.: 09/460,216
Filed: December 13, 1999
Page 3

or substitute computer readable form (CRF) copy of the "sequence listing"; and an initial or substitute paper copy of the "sequence listing," as well as an amendment directing its entry into the specification.

In response, applicants contend that the February 24, 2000 Notice to Comply was issued in error. Applicants contend that a paper copy and computer readable copy of the sequence listing were provided to the United States Patent and Trademark Office on December 13, 1999. A copy of the return postcard stamped by the U.S. Patent and Trademark Office acknowledging receipt of these items is attached hereto as **Exhibit B**.

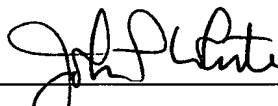
In addition, in a April 13, 2000 telephone conference between Anthony Love of the Initial Patent Examination Division of the United States Patent and Trademark Office and Mr. Spencer Schneider of the undersigned attorney's office, Mr. Love stated that both the paper copy and computer readable copy of the sequence listing were received and that the February 24, 2000 Notice to Comply was issued in error. In addition, Mr. Love stated that a Notice of Withdrawal of the February 24, 2000 Notice to Comply would be issued.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

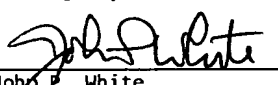
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No fee, is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231. | |
|  | <u>4/24/00</u> |
| John P. White | Date |
| Reg. No. 28,678 | |



Applicant Graham P. Allaway, et al.
Client Progenics (2048) File No. 50875-F-PCT-US Atty. IPW/SHS
Date December 13, 1999

Kindly acknowledge receipt of the accompanying

Jc511 U.S. PTO
09/460216

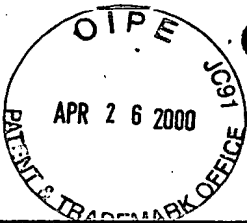
New Patent Application in connection with Graham P. Allaway, et al., U.S. Serial Not Yet Known, filed December 13, 1999 for METHODS FOR PREVENTING HIV-1 INFECTION OF CD4+ CELLS including Title Page, Specification (pgs.1-58), Claims (pgs.59-68), Abstract (pg.69) Formal Drawings (10 sheets), 1 loose set of formal drawings, Transmittal Letter in Triplicate, a Preliminary Amendment, Declaration and Power of Attorney (unsigned), computer diskette containing CRF, Statement in Accordance with 37 CFR 1.821 (c), a check in the amount of \$380.00, and Express Mail Certificate of Mailing bearing Label No. BL 278 887 487 US, dated December 13, 1999.

DATE DUE: December 13, 1999

by placing your receiving date stamp hereon and returning to us.

DEC 20 1999

DOCKET CLERK



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARK
Washington, D.C. 20231

JPW

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
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09/460,216 12/13/99 ALLAWAY G 50875-F-PCT-

0242/0224

COOPER & DUNHAM LLP
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

1633

DATE MAILED:

02/24/00
04/24/2000
08/24/2000

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file a sequence listing in compliance with 37 CFR 1.821 - 1.825 to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. OTHER: _____

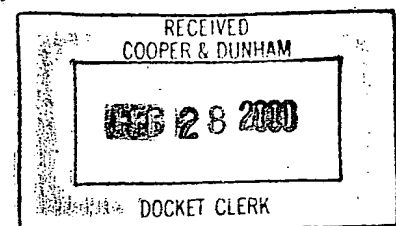
APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- ☒ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:

- ☐ For Rules Interpretation, call (703) 308-1123.
- ☐ For CRF submission help, call (703) 308-4212.
- ☐ For PatentIn software help, call (703) 308-6856.

Customer Service Center
Initial Patent Examination Division (703) 308-1202



PART 1-ATTORNEY/APPLICANT COPY